

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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LEON F. HENRY,

Plaintiff,

vs

9:03-CV-07

LIEUTENANT MACK; C.O. BROEKER, Correction  
Officer; and C.O. BREEZE, Correction Officer,

Defendants.  
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APPEARANCES:

OF COUNSEL:

LEON F. HENRY  
Plaintiff, Pro Se  
11456-052  
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FIX, SPINDELMAN LAW FIRM  
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KENNETH M. ALWEIS, ESQ.  
RYAN L. ABEL, ESQ.

DAVID N. HURD  
United States District Judge

**DECISION and ORDER**

Plaintiff, Leon F. Henry, brought this civil rights action pursuant to 42 U.S.C. § 1983. By Report-Recommendation dated July 28, 2005, the Honorable George H. Lowe, United States Magistrate Judge, recommended that the defendants' cross-motion for judgment on the pleadings be denied; and that plaintiff's complaint be sua sponte dismissed without prejudice. No objections to the Report-Recommendation have been filed.

Based upon a careful review of the entire file and the recommendations of Magistrate Judge Lowe, the Report-Recommendation is accepted and adopted in whole.

See 28 U.S.C. 636(b)(1).

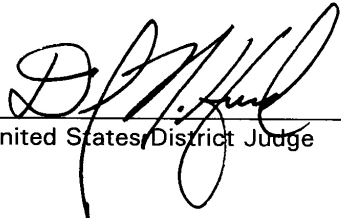
Accordingly, it is

ORDERED that

1. The defendants' cross-motion for judgment on the pleadings is DENIED;
2. The complaint is sua sponte DISMISSED without prejudice.

The Clerk is directed to enter judgment accordingly.

IT IS SO ORDERED.



United States District Judge

Dated: November 8, 2005  
Utica, New York.